

IN RE: PETITION FOR VARIANCE  
NW/Corner Oliverwood Road and  
Patuxent Road  
(13102 Patuxent Road)  
15th Election District  
5th Councilmanic District  
  
Clarence M. Wachob  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-217-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 13102 Patuxent Road, located in the vicinity of Oliver Beach. The Petition was filed by the owner of the property, Clarence M. Wachob, and the Contract Purchasers, Anthony F. Rucci and Dona K. Rucci. The Petitioners seek relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required front average of 40 feet, a rear yard setback of 10 feet in lieu of the required 30 feet, and to approve the subject property as an undersized lot. The relief requested and proposed improvements are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Dona Rucci, Contract Purchaser, and Dina Rucci. There were no Protestants present.

Festimony and evidence offered revealed that the subject property consists of 0.172 acres, more or less, zoned D.R. 5.5 and is presently vacant. The property was improved with a single family dwelling until 1986 at which time the dwelling caught fire and burned down. The remains of that house have since been bulldozed over and the Contract Purchasers

ORDER RECEIVED FOR FILING  
Date 1/22/96  
By [Signature]

FILED

are desirous of constructing a new dwelling for themselves thereon. The subject property is located within the Chesapeake Bay Critical Areas near Bird River and is one of many 50-foot wide lots in Oliver Beach which was developed many years ago. The Petitioners are desirous of orienting the proposed dwelling to face Patuxent Road, as the original dwelling did. By orienting the house in this fashion, the setbacks for the property are basically reversed. However, inasmuch as this lot is a corner lot and its width does not meet current zoning regulations, the requested variances are necessary in order to proceed as proposed.

After due consideration of the testimony and evidence presented, I find the Petitioners' request for variance should be granted. In the opinion of this Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested

ORDER RECEIVED FOR FILING  
Date 1/22/96  
By [Signature]

will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.


These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22<sup>nd</sup> day of January, 1996 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required front average of 40 feet, a rear yard setback of 10 feet in lieu of the required 30 feet, and to approve the subject property as an undersized lot, for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated December 18, 1995, attached hereto and made a part hereof.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

January 22, 1996

Mr. Clarence M. Wachob  
20-B1 Beech Drive  
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE  
NW/Corner Oliverwood Road and Patuxent Road  
(13102 Patuxent Road)  
15th Election District - 5th Councilmanic District  
Clarence M. Wachob - Petitioner  
Case No. 96-217-A

Dear Mr. Wachob:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Anthony Rucci  
13114 Patuxent Road, Baltimore, Md. 21220

Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File



# Petition for Variance

to the Zoning Commissioner of Baltimore County  
13102 Patuxent Road

for the property located at

96-217-A

which is presently zoned D.R.5.5

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1 and 303.1 to permit a front yard setback of 17 feet in lieu of the maximum/average 40 feet and a rear yard setback of 10 feet in lieu of the required 30 feet.

AND TO APPROVED AN UNDER SIZED LOT,

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The proposed dwelling will replace an existing dwelling destroyed by fire. We wish to orient the dwelling toward Patuxent Road (similar to the prior dwelling), thereby causing setback deficiencies.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

ANTHONY F. RUCCI / DONA K. RUCCI

(Type or Print Name)

Anthony F. Rucci / Dona K. Rucci

Signature

335-3259-H

13114 PATUXENT RD 301-236-1765-W

Address

BALTIMORE MD 21220

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Legal Owner(s)

CLARENCE M. WACHOB

(Type or Print Name)

Clarence M. Wachob

Signature

(Type or Print Name)

Signature

20 B1 Beech dr HOME 686-8408

Address

Phone No

Baltimore Md 21220

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

R.T.

DATE

11-21-95

ITEM# 2K

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink  
on Recycled Paper

Revised 9/5/95

ZONING DESCRIPTION FOR 13102 PATUXENT ROAD

96-217-A

Located on the northwest corner of Oliverwood Road which is 50 feet wide and Patuxent Road which is 50 feet wide. Known as Lot # 227 as shown on the plat of Oliver Beach, which is recorded in the land records of Baltimore County in Plat Book J.W.B. No 14, Folio 37, containing 7500 square feet. Also known as 13102 Patuxent Road and located in Election District 5, and Councilmanic District 15.

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

92-217-17

District: 15TH

Date of Posting: 12/8/95

Posted for: Variance

Petitioner: Mr. Thong & Dona Huel

Location of property: 13102 Gotoxent Rd.

Location of Sign: Facing Roadway on Property being zoned

Remarks: \_\_\_\_\_

Posted by: W. H. H. H.

Signature

Date of return: 12/18/95

Number of Signs: 1



**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #95-217-A  
(Item 216)

13102 Patuxent Road  
NWG Oliverwood Road and  
Patuxent Road  
16th Election District  
5th Councilmanic  
Leon Curren (6)

Charles M. Washburn  
Contract Purchaser

Anthony R. Ruess and Dona  
K. Ruess

Hearing: Tuesday, December  
28, 1985 at 2:30 p.m. in Rm.  
108, County Office Building.

Variance: to permit a front  
yard setback of 17 feet in lieu  
of the maximum/average 40  
feet and a rear yard setback of  
10 feet in lieu of the required  
30 feet and to approve an un-  
derized lot.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible, for  
special accommodations  
Please Call 887-3353.  
(2) For information concern-  
ing the file and/or Hearing,  
Please Call 887-3391.

12/21 Dec. 7 C20877

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 12/8, 1985

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on 12/7, 1985.

**THE JEFFERSONIAN,**

*A. H. Enrich*  
**LEGAL PUBLISHER, TOWSON**

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

ITEM# 216

No.

011100

DATE 11-21-95 ACCOUNT R-001-G150

C10-VARIANCE - \$50<sup>00</sup>

C30-SIGN - \$35<sup>00</sup>

AMOUNT \$ 85<sup>00</sup>

RECEIVED  
FROM:

DONE RUCCI

96-217-A

FOR:

Zoning Variance

M. G. ...

RECEIVED

NO. 1000-2000-1000

1000.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 1, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-217-A (Item 216)  
13102 Patuxent Road  
NWC Oliverwood Road and Patuxent Road  
15th Election District - 5th Councilmanic  
Legal Owner: Clarence M. Wachob  
Contract Purchaser: Anthony F. Rucci and Dona K. Rucci

Variance to permit a front yard setback of 17 feet in lieu of the ~~maximum~~/average 40 feet and a rear yard setback of 10 feet in lieu of the required 30 feet and to approve an undersized lot.

HEARING: TUESDAY, DECEMBER 26, 1995 at 2:30 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Anthony and Dona Rucci

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 19, 1995

Clarence M. Wachob  
20 B1 Beech Drive  
Baltimore, MD 21220

RE: Item No.: 216  
Case No.: 96-217-A  
Petitioner: C. M. Wachob


Dear Mr. Wachob:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Dec. 8, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for December 11, 1995  
Items 215, 216, 217 and 219

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/07/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 4, 1995.

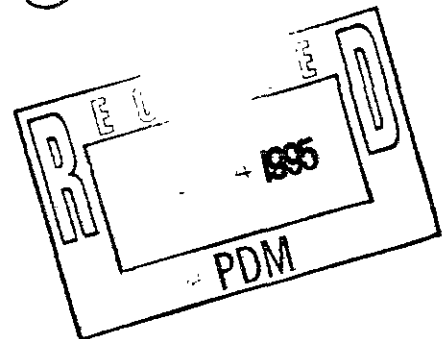
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 215, 216, 217 AND 219.



REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F



**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

12-5-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 216 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

96-217A (4)  
4872-20

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
December 18, 1995

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #216 - Wachob Property  
13102 Patuxent Road  
Zoning Advisory Committee Meeting of December 4, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

ORDER RECEIVED FOR FILING  
Date *1/22/96*  
By *[Signature]*  
JLP:sp



INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

FROM: Arnold Jablon, Director, Department of Permits & Development Management

B. \_\_\_\_\_  
Permit Number

RE. **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

**MINIMUM APPLICANT SUPPLIED INFORMATION:**

☐ ANTHONY F. RUCCI SR. 13114 PATUXENT RD 410-335-3259  
Print Name of Applicant Address Telephone Number

☐ Lot Address 13102 PATUXENT RD Election District 5 Council District 15 Square Feet 7500

Lot Location NE S side / corner of PATUXENT RD 50 feet from NE S W corner of AND OLIVERWOOD RD  
(street) (street)

Land Owner CLARENCE M. WACHOB Tax Account Number 1523000391

Address 20 B1 BEECH DR Telephone Number 410-686-8408  
BALTO MD 21220

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation

**PROVIDED?**

|   | YES                                 | NO                       |
|---|-------------------------------------|--------------------------|
| 1. This Recommendation Form (3 copies)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Permit Application   | <input type="checkbox"/>            | <input type="checkbox"/> |
| 3. Site Plan  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Property (3 copies)   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Topo Map (available in Rm 206 C.O.B.) (2 copies)<br>(please label site clearly) | <input type="checkbox"/>            | <input type="checkbox"/> |
| 4. Building Elevation Drawings  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Photographs (please label all photos clearly)                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Adjoining Buildings   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Surrounding Neighborhood  | <input type="checkbox"/>            | <input type="checkbox"/> |

|   |
|---|
| Residential Processing Fee Paid<br>Codes 030 & 080 (\$85) |
| Accepted by <u>RIT</u><br>EADM                            |
| Date <u>11-21-92</u>                                      |

**TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!****RECOMMENDATIONS/COMMENTS:**

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: \_\_\_\_\_  
for the Director, Office of Planning & Community Conservation

Date: \_\_\_\_\_

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted  
for filing by \_\_\_\_\_ on \_\_\_\_\_  
Date (A)

A sign indicating the proposed Building must be posted on the property for  
fifteen (15) days before a decision can be rendered. The cost of filing is  
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,  
a decision can be expected within approximately four weeks. However, if a valid  
demand is received by the closing date, then the decision shall only be rendered  
after the required public special hearing.

\*SUGGESTED POSTING DATE \_\_\_\_\_ D (15 Days Before C)

DATE POSTED \_\_\_\_\_

HEARING REQUESTED-YES \_\_\_\_ NO \_\_\_\_ -DATE \_\_\_\_\_

CLOSING DAY (LAST DAY FOR HEARING DEMAND) \_\_\_\_\_ C (B-3 Work Days)

TENTATIVE DECISION DATE \_\_\_\_\_ B (A + 30 Days)

\*Usually within 15 days of filing

-----  
CERTIFICATE OF POSTING

District \_\_\_\_\_

Location of property: \_\_\_\_\_

Posted by: \_\_\_\_\_ Date of Posting: \_\_\_\_\_  
Signature

Number of Signs: \_\_\_\_\_

RE: PETITION FOR VARIANCE  
13102 Patuxent Road, NWC Oliverwood Rd  
and Patuxent Road, 15th Election  
District - 5th Councilmanic

Legal Owner: Clarence M. Wachob  
Contract Purchasers: Anthony and Dona Rucci  
Petitioners

11/23/96  
12/26

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-217-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Legal Owner Clarence M. Wachob, 20 B1 Beech Drive, Baltimore, MD 21220, and to Contract Purchasers Anthony and Dona Rucci, 13114 Patuxent Road, Baltimore, MD 21220, Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

12/26/95

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 13102 PATUXENT ROAD

Subdivision name: OLIVER BEACH

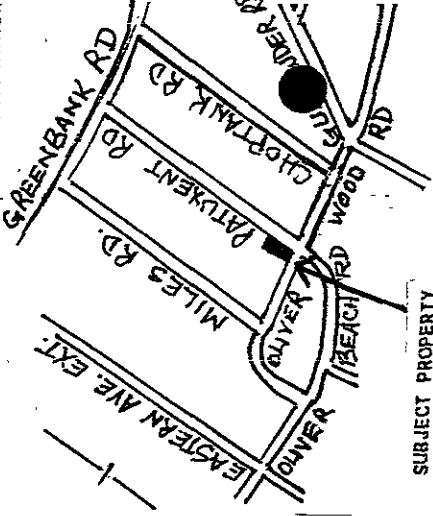
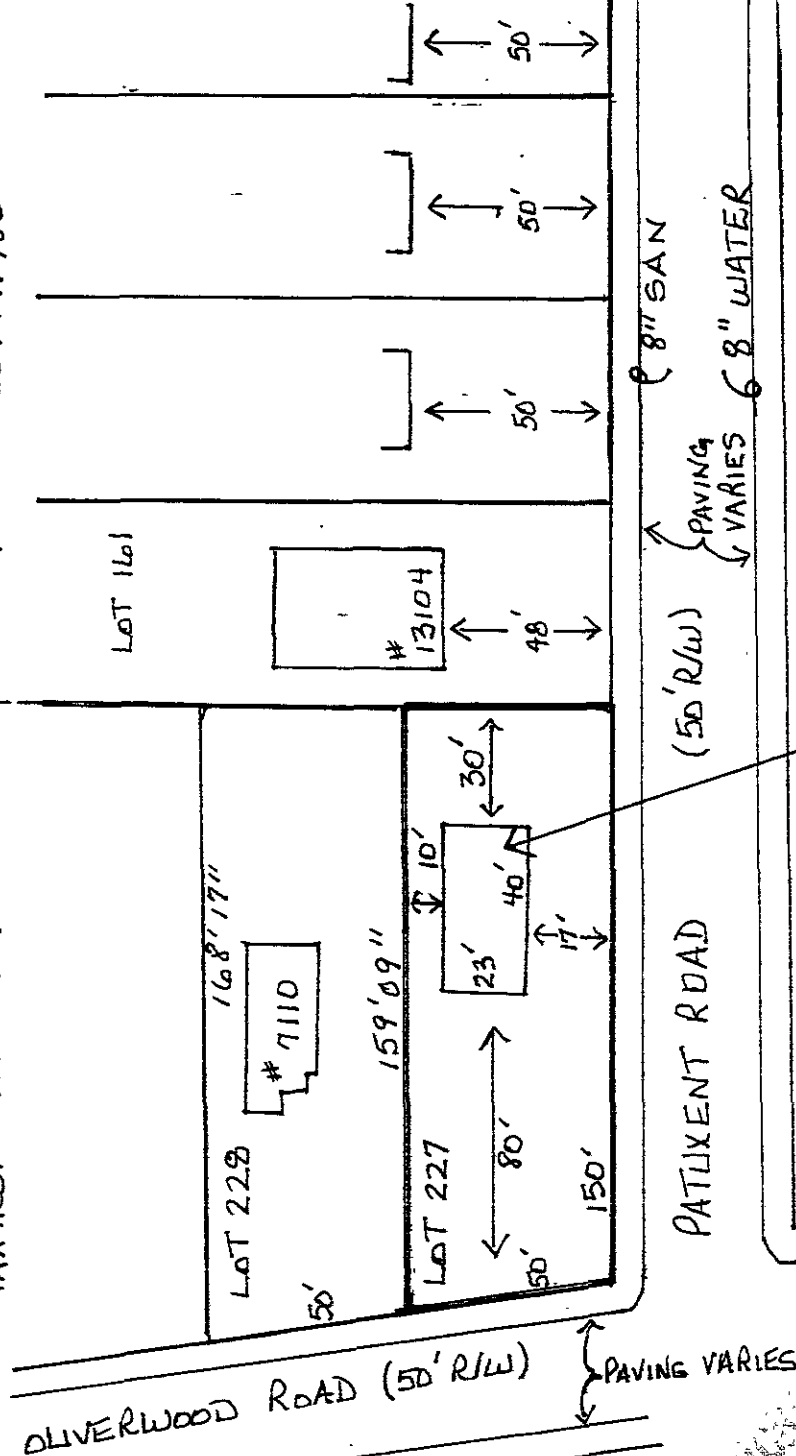
plat book # 14, folio # 337, lot # 227, section # B

OWNER: CLARENCE M. WACHOB

96-217-A

LOT 228 - 7110 OLIVERWOOD RD  
RICHARD + JOANN JOHNSON  
TAX ACCT # 1503475590

LOT 161 - 13104 PATUXENT RD  
ALVIN + ELIZABETH BELL  
TAX ACCT # 1507471980



Vicinity Map  
North  
scale: 1"=1000'

## LOCATION INFORMATION

Election District: 5

Councilman's District: 15

1"=200' scale map: NE 7-M

Zoning: D.R. 5.5

Lot size: 0.172 acreage 7,500 square feet

public private  
SEWER: ☒ ☐  
WATER: ☒ ☐  
Chesapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings:

Zoning Office USE ONLY  
reviewed by: R.T. ITEM #: 26 CASE #:

PROPOSED ONE STORY DWELLING

North

date: 11-21-95

prepared by: DKR

Scale of Drawing: 1"= 50'



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be assessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: \_\_\_\_\_ Petitioner: \_\_\_\_\_

Location: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ANTHONY F. RUCCI

ADDRESS: 13114 PATUXENT RD

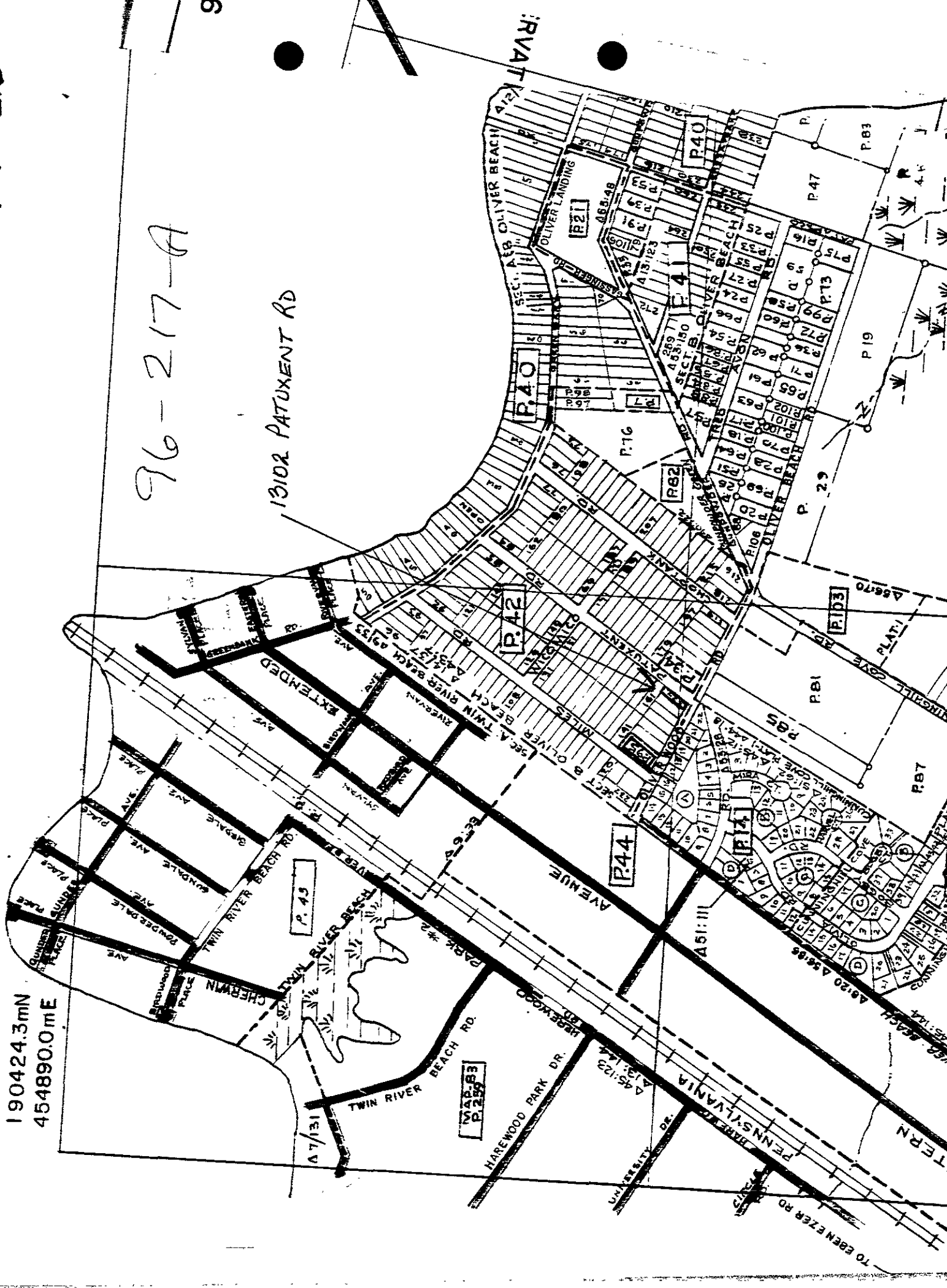
BALTIMORE MD 21220

PHONE NUMBER: 410-335-3259

190424.3mN  
454890.0mE

96-217-A

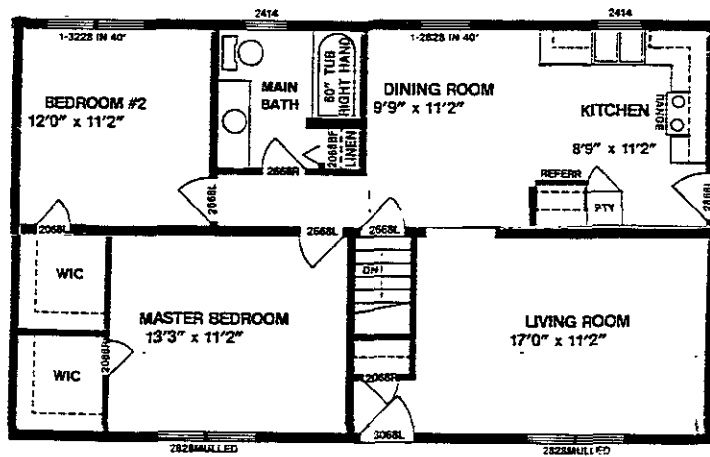
13102 PATUXENT RD



|            |           |               |
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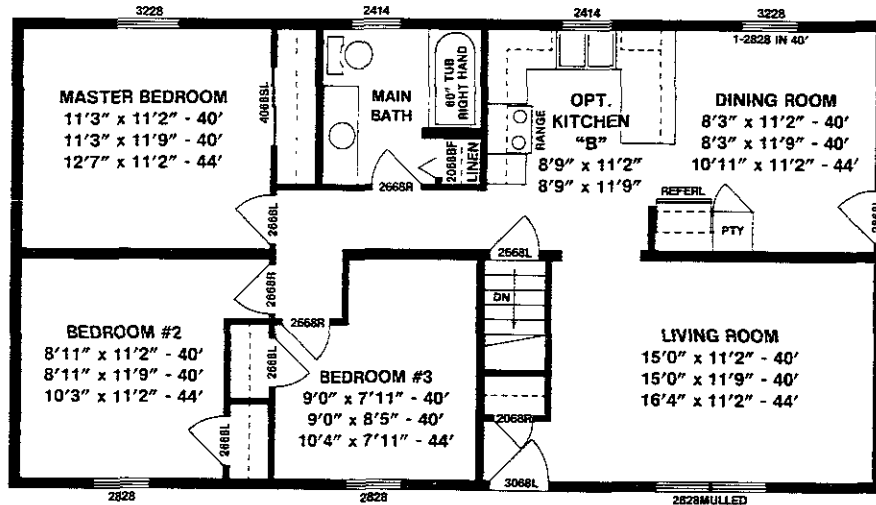
COPYRIGHT - MAP DIVISION - 1967,  
MD. DEPT. OF ASSESS. & TAX.

96-217-A





# RANCH PLANS

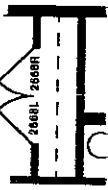


PLAN NO. SR0007  
23'10" x 44'  
953 SQ FT

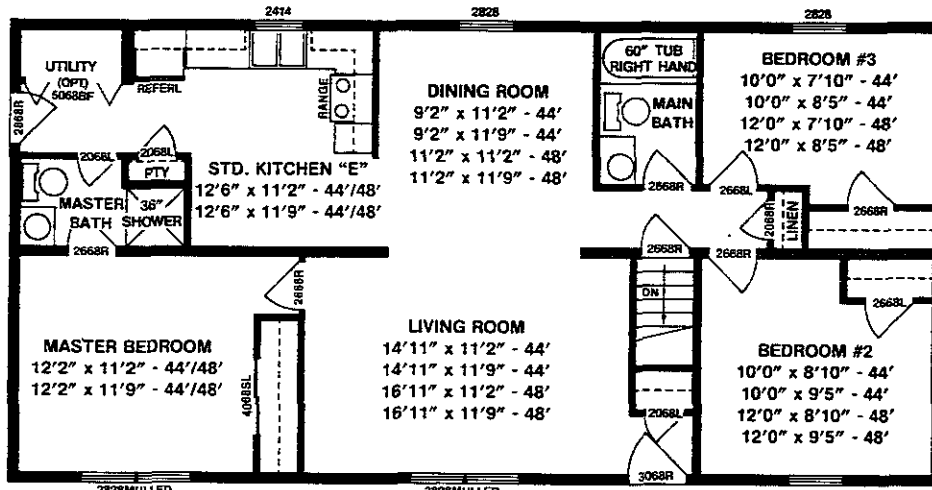
PLAN NO. SR0203  
25' x 40'  
1000 SQ FT

PLAN NO. SR0008  
23'10" x 44'  
1049 SQ FT

AVAILABLE KITCHENS  
"A" STD.  
"B" OPT. (44' ONLY)



OPT. MAIN  
SR0201  
SR0202  
SR0204  
SR0205  
SR0580  
SR0581  
SR0582  
SR0583  
NOTE: BAT:  
ROOM AND  
ROOM 9" E.



PLAN NO. SR0009  
23'10" x 44'  
1049 SQ FT

PLAN NO. SR0206  
25' x 44'  
1100 SQ FT

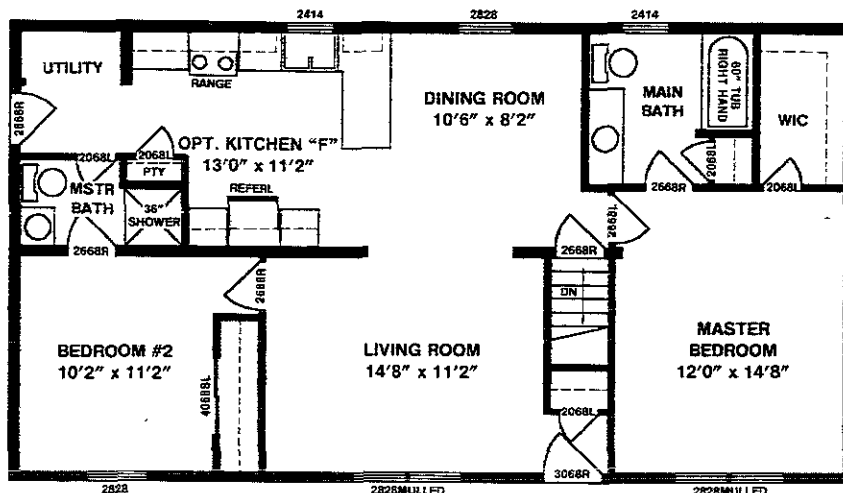
PLAN NO. SR0010  
23'10" x 48'  
1144 SQ FT

PLAN NO. SR0209  
25' x 48'  
1200 SQ FT

AVAILABLE KITCHENS  
"E" STD.  
"F" OPT.



OPT.  
SR02  
SR02  
SR02  
SR02



PLAN NO. SR0011  
23'10" x 44'  
1049 SQ FT

AVAILABLE KITCHENS  
"E" STD.  
"F" OPT.



OPTIC  
RAISE  
SR00  
SR00  
SR00  
SR00  
SR02  
SR02

ITEM # 216

96-217-A



PROPOSED HOUSE

PLAN NO. SR0001  
23'10" x 40'  
953 SQ FT



A DIVISION OF RITZ-CRAFT CORPORATION  
P.O. BOX 70  
MIFFLINBURG, PA 17844

MEMBER:



Because of our ongoing commitment to product improvement, Ritz-Craft Corporation reserves the right to change plans, specifications, materials, and prices without notice. Artist's renderings shown may depict optional or suggested features.

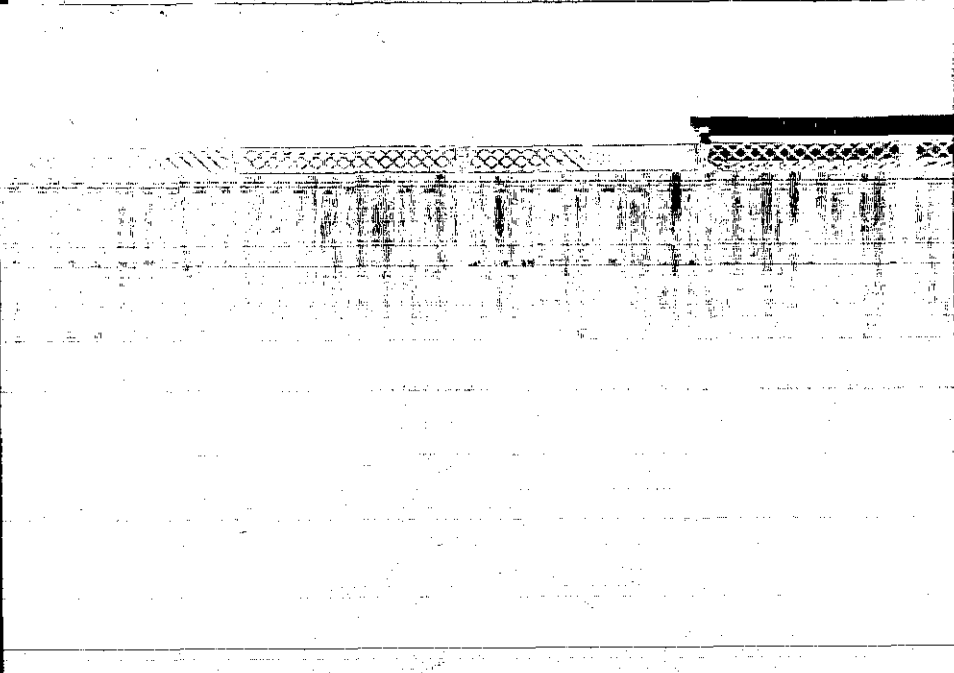
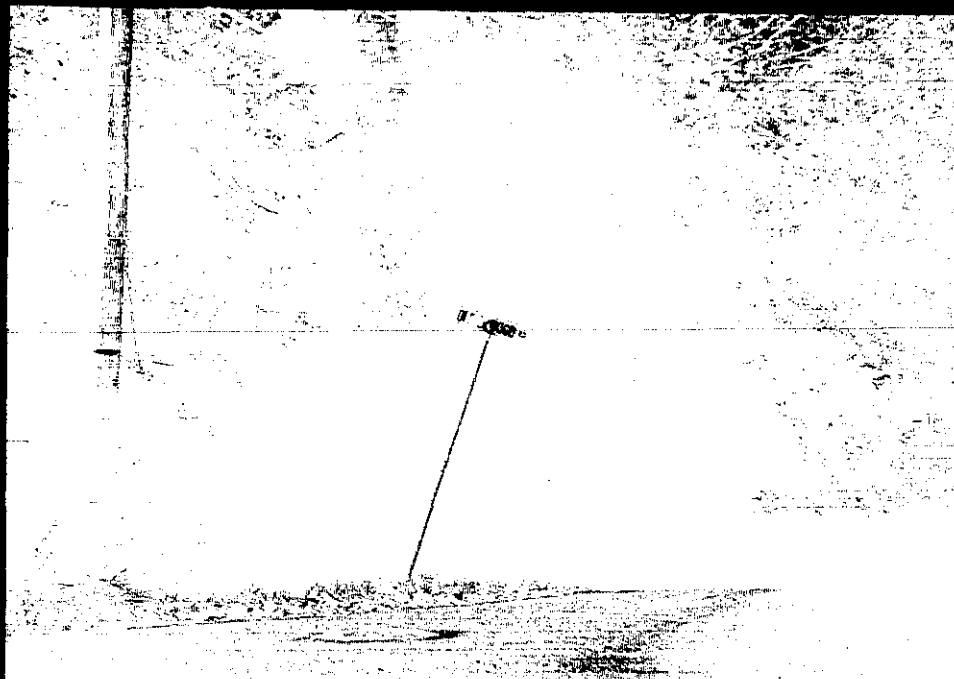
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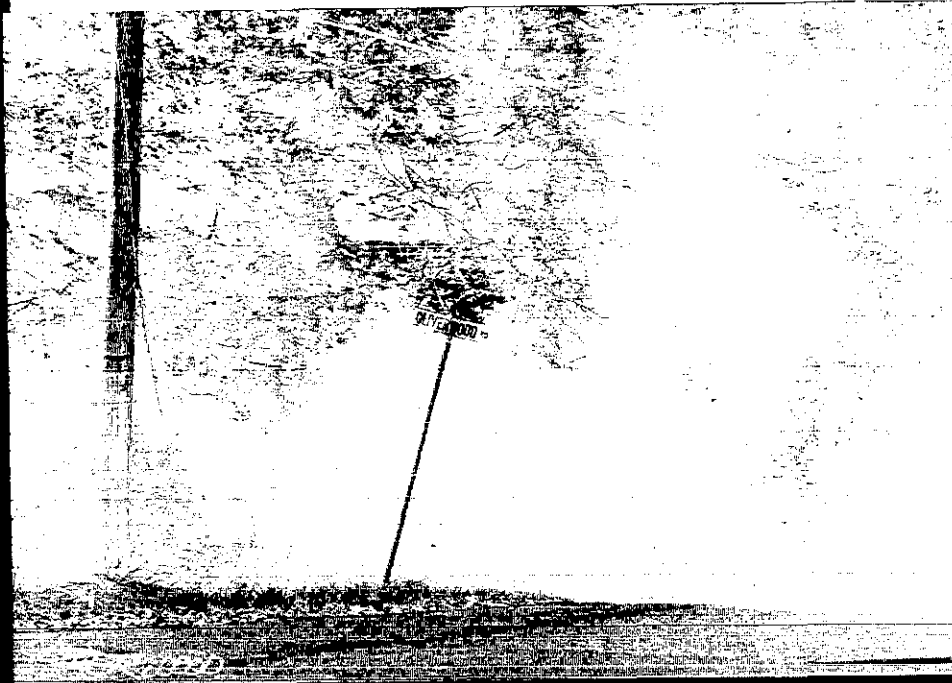
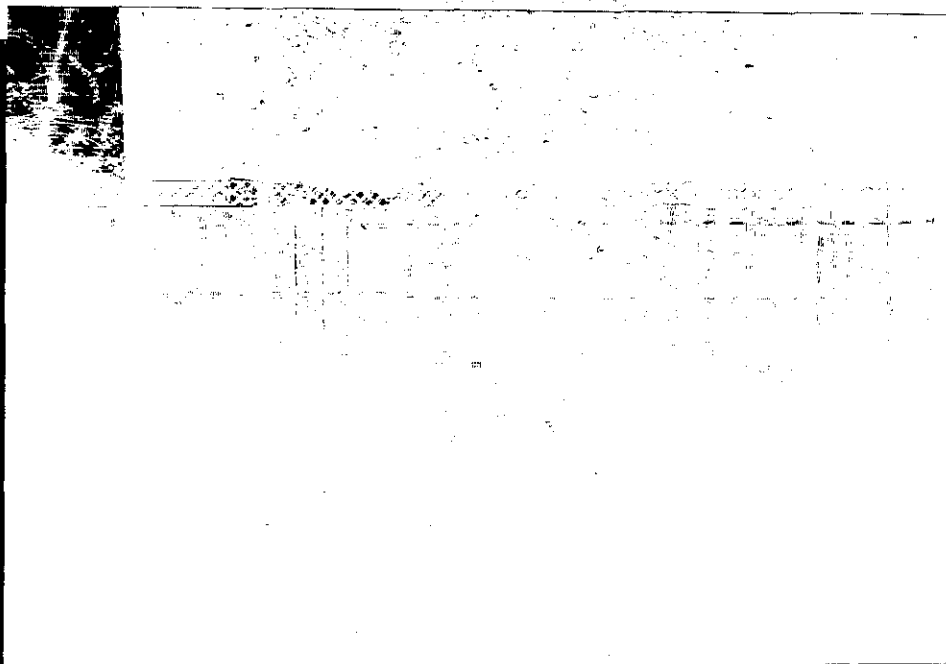
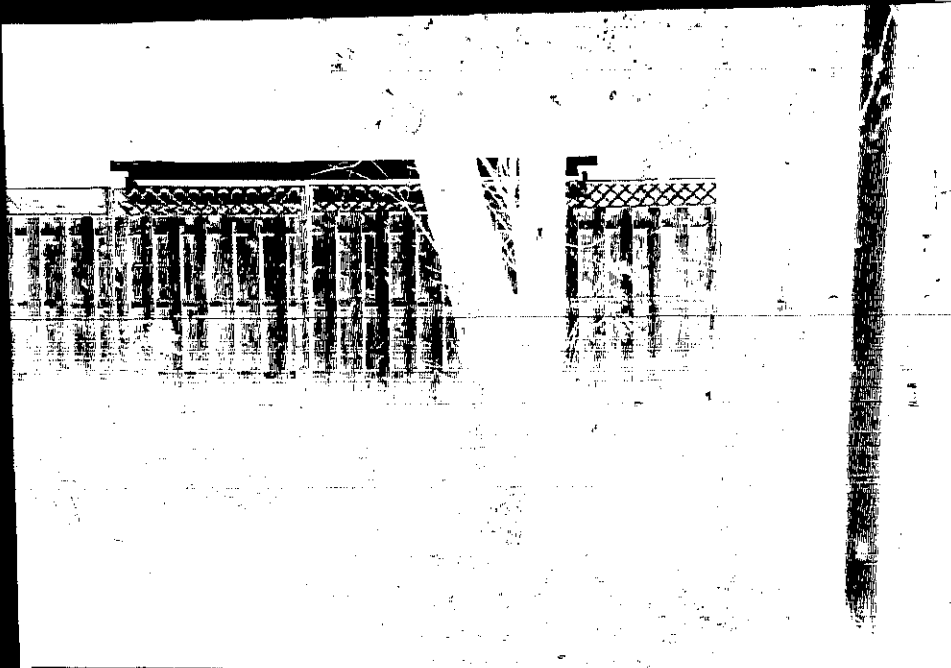
Your Builder/Developer

The Builder/Developer is an independent businessman, not an agent of Ritz-Craft Corporation. Ritz-Craft Corporation accepts no responsibility or liability, under any circumstances, for any act or omission by the Builder/Developer or for materials used by the Builder/Developer.

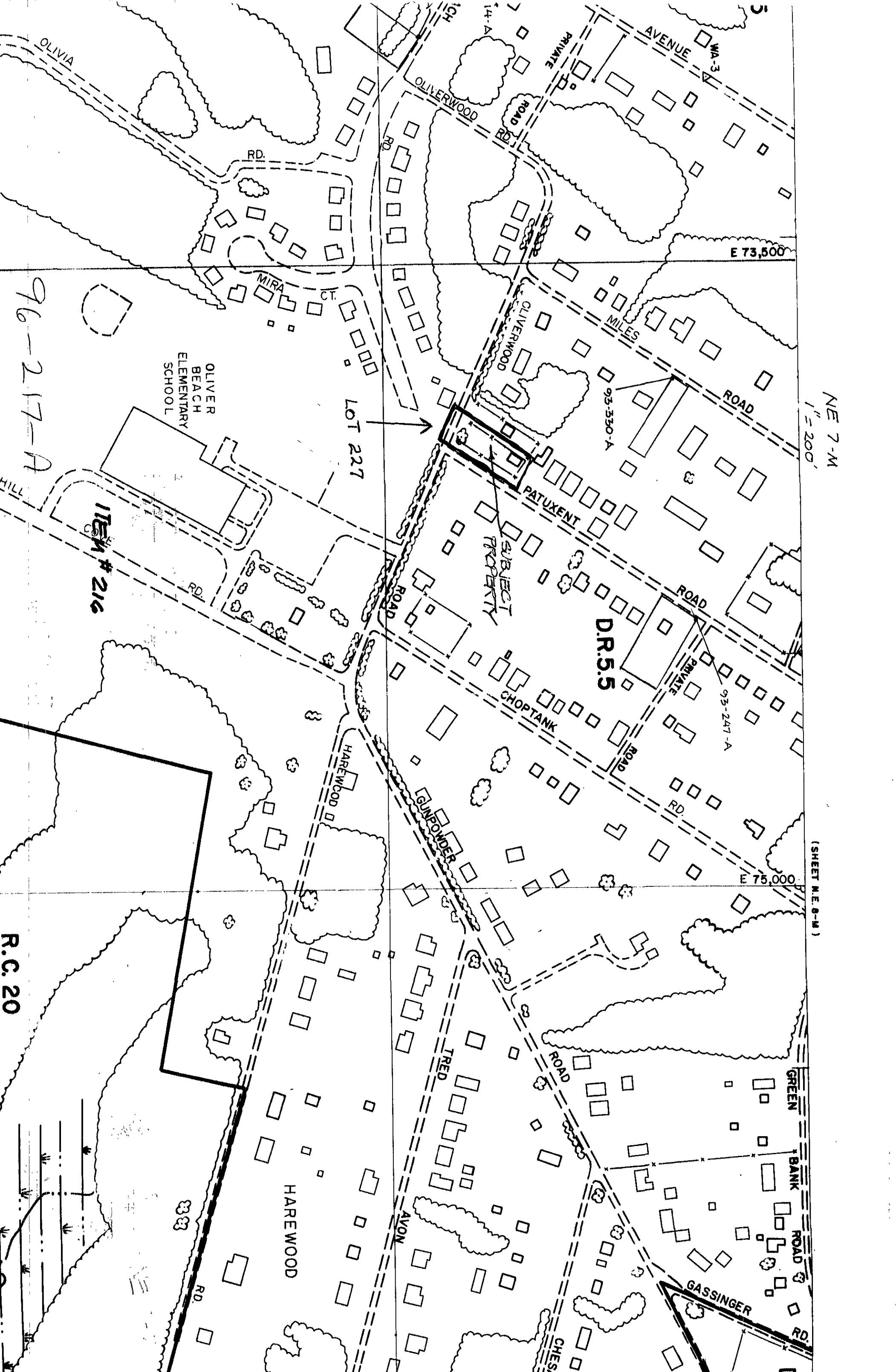
photographs  
Case 96-217-A













IN RE: PETITION FOR VARIANCE \* BEFORE THE  
NW/Corner Oliverwood Road and \* DEPUTY ZONING COMMISSIONER  
Patuxent Road (13102 Patuxent Road)  
15th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District \* Case No. 96-217-A  
Clarence M. Wachob  
Petitioner \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 13102 Patuxent Road, located in the vicinity of Oliver Beach. The Petition was filed by the owner of the property, Clarence M. Wachob, and the Contract Purchasers, Anthony F. Rucci and Dona K. Rucci. The Petitioners seek relief from Sections 1802.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required front average of 40 feet, a rear yard setback of 10 feet in lieu of the required 30 feet, and to approve the subject property as an undersized lot. The relief requested and proposed improvements are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Dona Rucci, Contract Purchaser, and Dina Rucci. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.172 acres, more or less, zoned D.R. 5.5 and is presently vacant. The property was improved with a single family dwelling until 1986 at which time the dwelling caught fire and burned down. The remains of that house have since been bulldozed over and the Contract Purchasers

are desirous of constructing a new dwelling for themselves thereon. The subject property is located within the Chesapeake Bay Critical Areas near Bird River and is one of many 50-foot wide lots in Oliver Beach which was developed many years ago. The Petitioners are desirous of orienting the proposed dwelling to face Patuxent Road, as the original dwelling did. By orienting the house in this fashion, the setbacks for the property are basically reversed. However, inasmuch as this lot is a corner lot and its width does not meet current zoning regulations, the requested variances are necessary in order to proceed as proposed.

After due consideration of the testimony and evidence presented, I find the Petitioners' request for variance should be granted. In the opinion of this Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested

will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24<sup>th</sup> day of January, 1996 that the Petition for Variance seeking relief from Sections 1802.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required front average of 40 feet, a rear yard setback of 10 feet in lieu of the required 30 feet, and to approve the subject property as an undersized lot, for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated December 18, 1995, attached hereto and made a part hereof.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

- 2 -

- 3 -



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

January 22, 1996

Mr. Clarence M. Wachob  
20-B1 Beech Drive  
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE  
NW/Corner Oliverwood Road and Patuxent Road  
(13102 Patuxent Road)  
15th Election District - 5th Councilmanic District  
Clarence M. Wachob - Petitioner  
Case No. 96-217-A

Dear Mr. Wachob:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Anthony Rucci  
13114 Patuxent Road, Baltimore, Md. 21220

Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File



## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13102 Patuxent Road which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 and 303.1 to permit a front yard setback of 17 feet in lieu of the maximum/average 40 feet and a rear yard setback of 10 feet in lieu of the required 30 feet. AND TO APPROVE AN UNDERSIZED LOT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hard or practical difficulty)

The proposed dwelling will replace an existing dwelling destroyed by fire. We wish to orient the dwelling toward Patuxent Road (similar to the prior dwelling), thereby causing setback deficiencies.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser(s):

ANTHONY F. RUCCI / DONA K. RUCCI  
(Type or Print Name)  
Signature  
335-3284-11

13114 PATUXENT RD 301-236-1765-V

BALTIMORE MD 21220

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

Name

Address

City State Zipcode

Name

Address

City State Zipcode

Name

Address

City State Zipcode

Name

Address

City State Zipcode

Name

Address

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

CLARENCE M. WACHOB  
(Type or Print Name)  
Signature  
Clarence M. Wachob

13114 PATUXENT RD 301-236-1765-V

BALTIMORE MD 21220

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

Name

Address

City State Zipcode

Name

Address

City State Zipcode

Name

Address

City State Zipcode

Name

Address

City State Zipcode

Name

Address

City State Zipcode

ZONING DESCRIPTION FOR 13102 PATUXENT ROAD

96-217-A

Located on the northwest corner of Oliverwood Road which is 50 feet wide and Patuxent Road which is 50 feet wide. Known as Lot # 227 as shown on the plat of Oliver Beach, which is recorded in the land records of Baltimore County in Plat Book J.W.B. No 14, Folio 37, containing 7500 square feet. Also known as 13102 Patuxent Road and located in Election District 5, and Councilmanic District 15.

ITEM # 26

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15 Date of Posting: 12/18/95  
Posted for: Anthony F. Rucci, Dona K. Rucci  
Petitioner: Anthony F. Rucci, Dona K. Rucci  
Location of property: 13114 Patuxent Rd.  
Location of Sign: Oliverwood Road, S.W. Corner, being zoned S  
Remarks:  
Posted by: [Signature] Date of return: 12/18/95  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/18, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/17, 1995.

THE JEFFERSONIAN,

*A. Henickson*  
LEGAL PUBLISHER







ENTRY OF APPEARANCE

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Handling

PROPERTY ADDRESS: 13102 PATUXENT ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: OLIVER BEACH

plat book # 14, folio 337, in 227 section B

96-217-A

OWNER: CLARENCE M. WACHOB

LOT 228 - 7110 OLIVERWOOD RD  
RICHARD + JOANN JOHNSON  
TAX ACCT # 1503475590

LOT 1101 - 13104 PATUXENT RD  
ALVIN + ELIZABETH BELL  
TAX ACCT # 1507471980

OLIVERWOOD ROAD (50' R/W)

PATUXENT ROAD

(50' R/W)

8' SAN

6' WATER

PROPOSED ONE STORY DWELLING

North

date: 11-21-95

prepared by: DKR

Scale of Drawing: 1" = 50'

SUBJECT PROPERTY

① Vicinity Map  
scale: 1"=100'

## LOCATION INFORMATION

Election District: 5

Councilman's District: 15

1"-200' scale map: NE T-M

Zoning: D.R. 5.5.

Lot size: 0.172 7,500  
acres square foot

SEWER: ☒ ☐ ☐

WATER: ☒ ☐ ☐

Chesapeake Bay Critical Area: ☐ ☐ ☐

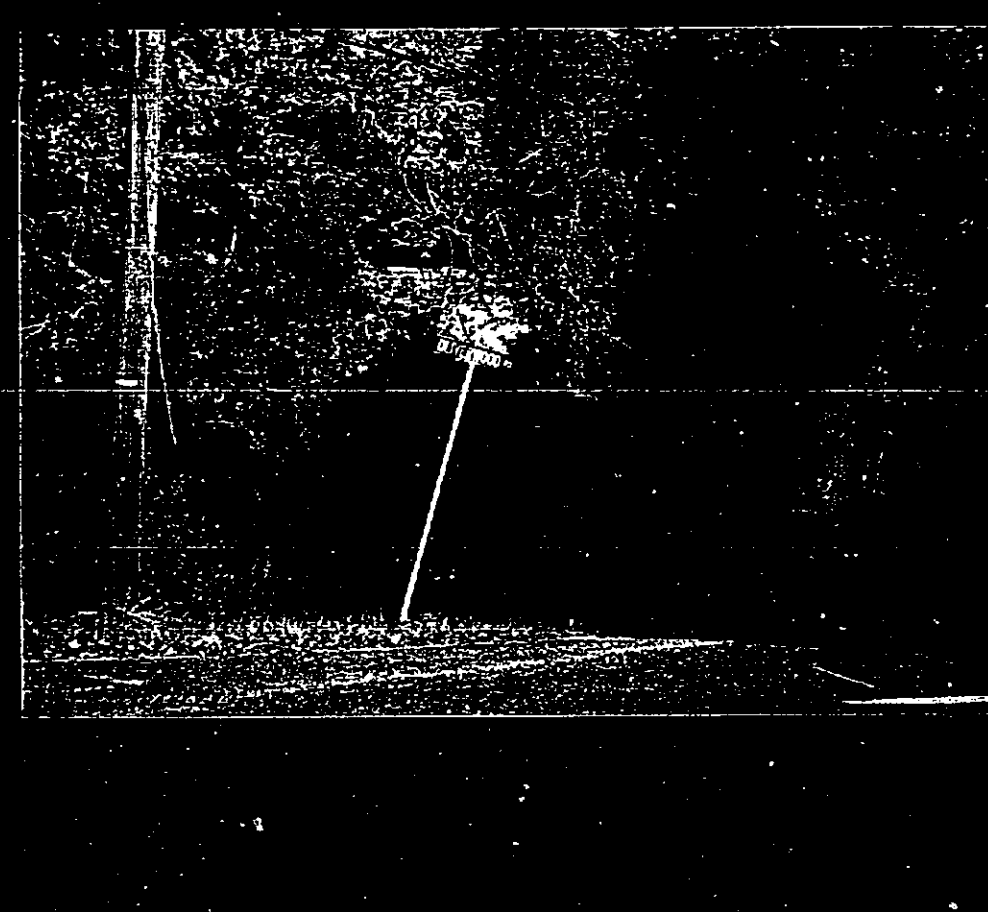
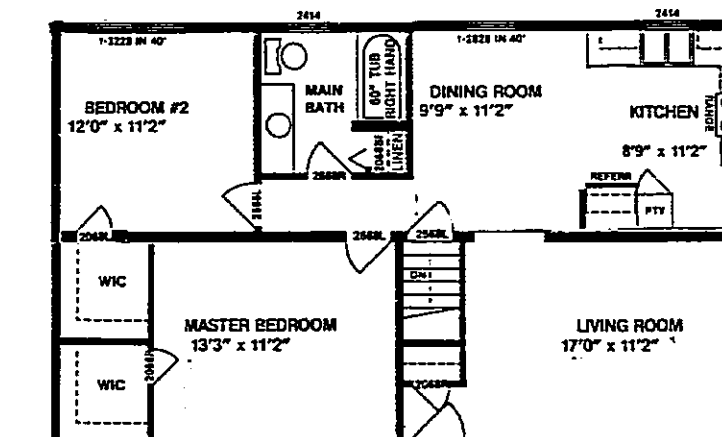
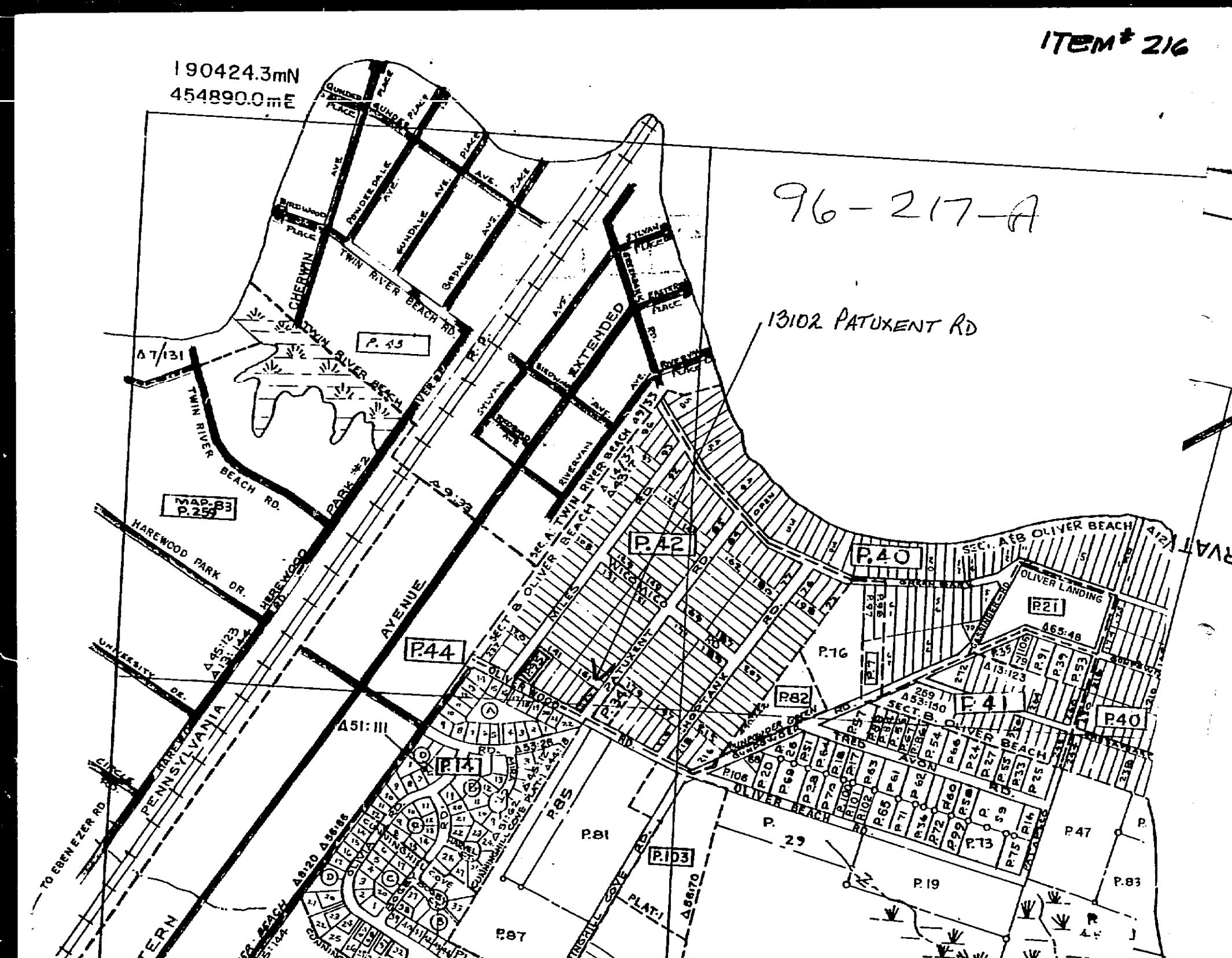
Prior Zoning Hearings: ☐ ☐ ☐

## Zoning Office Use ONLY!

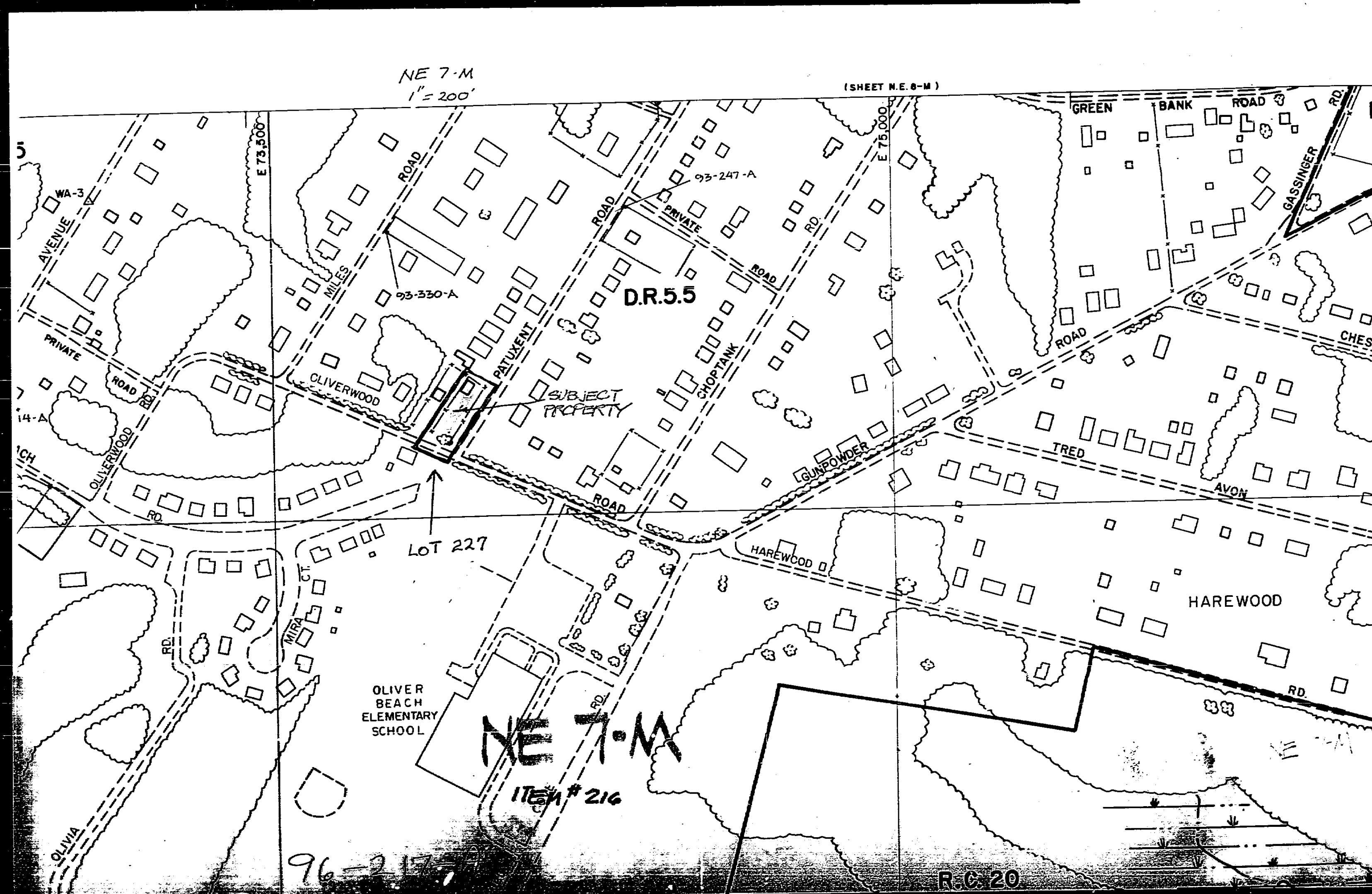
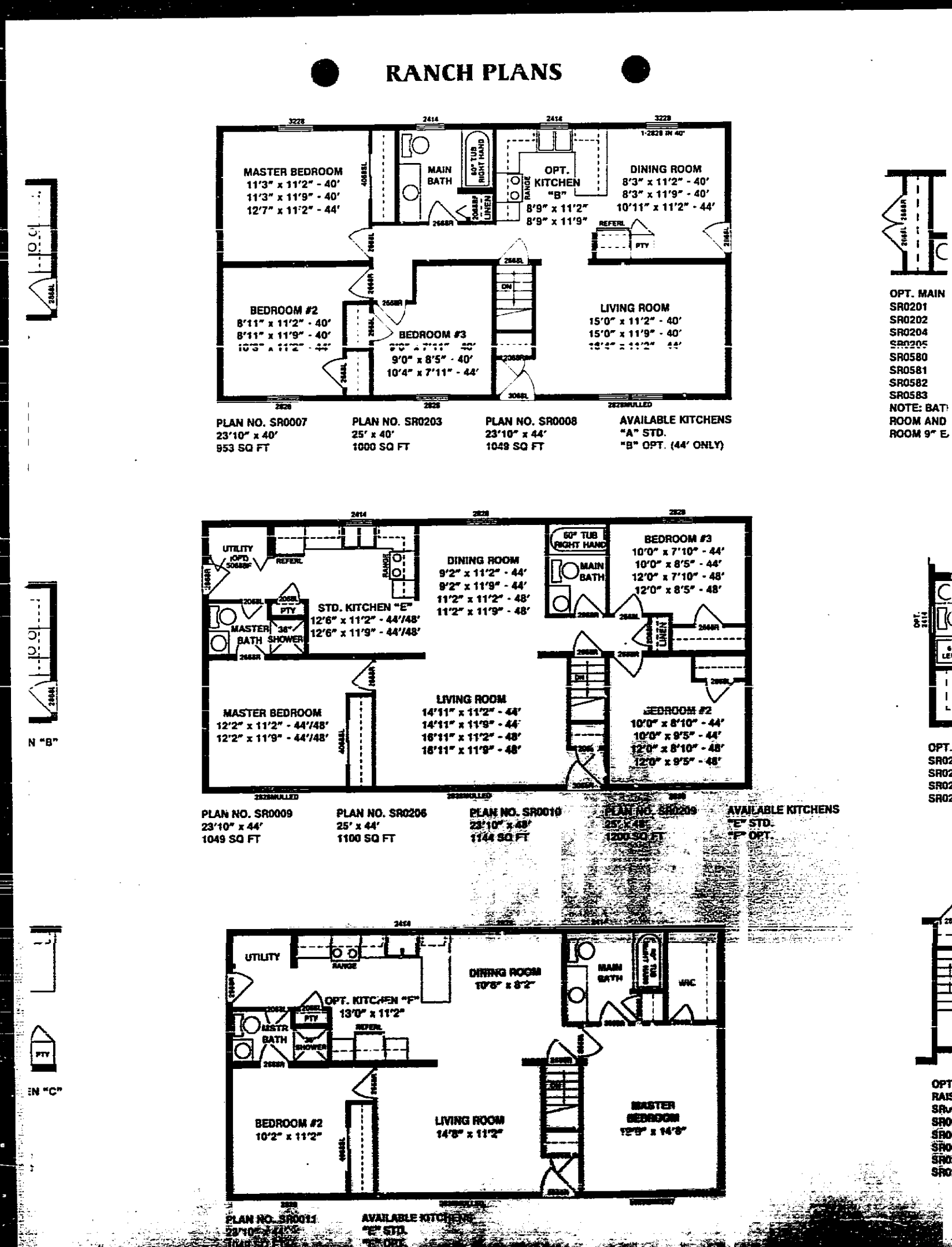
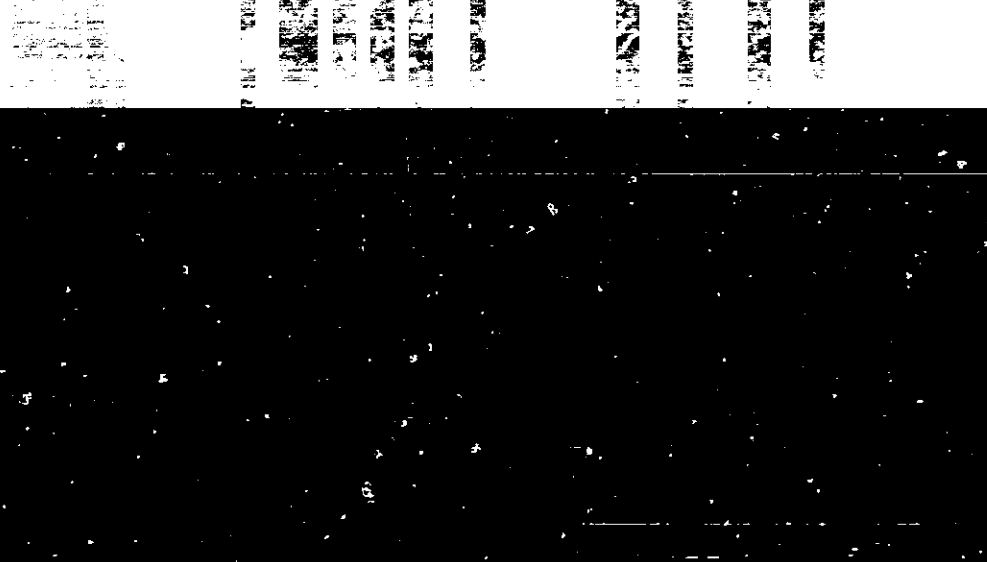
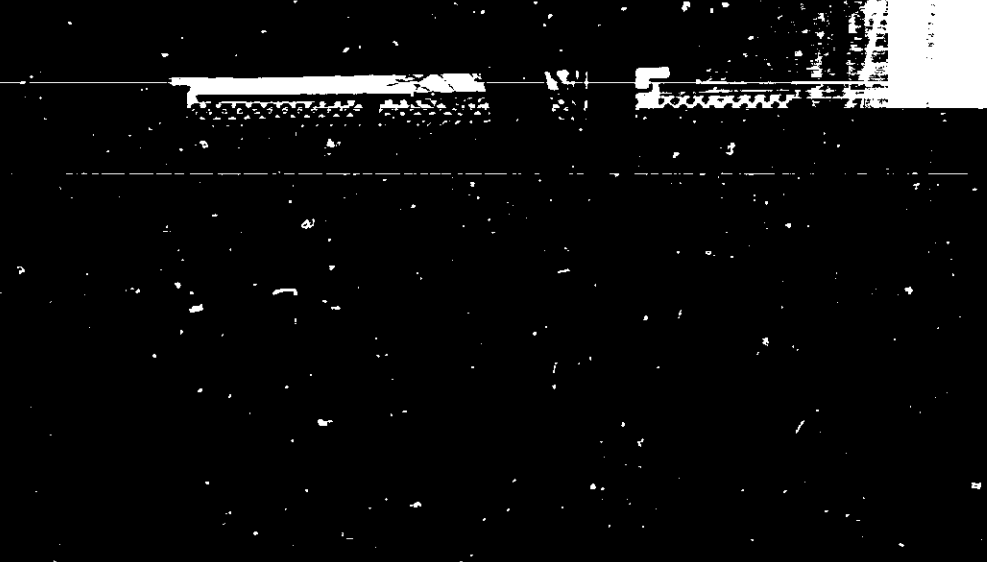
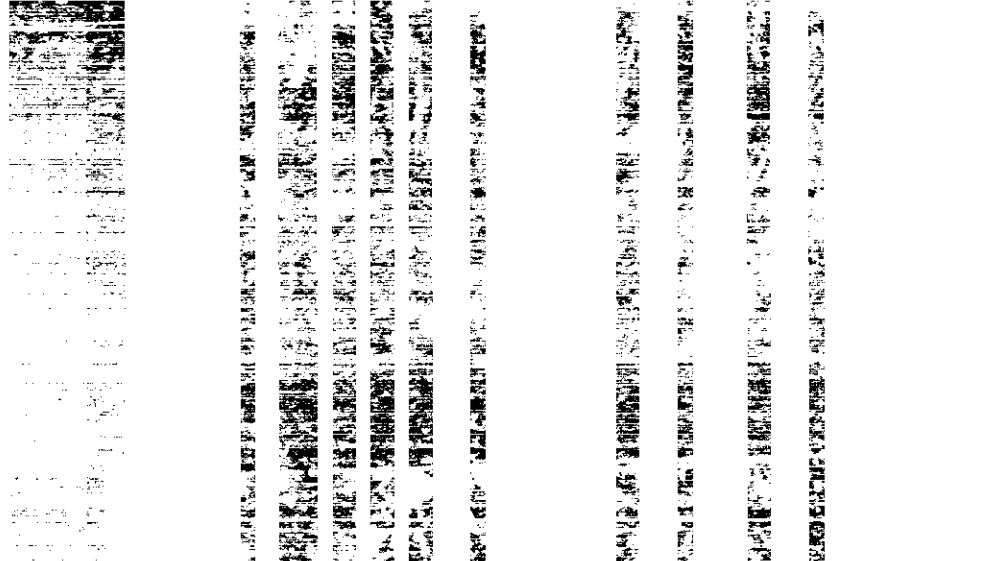
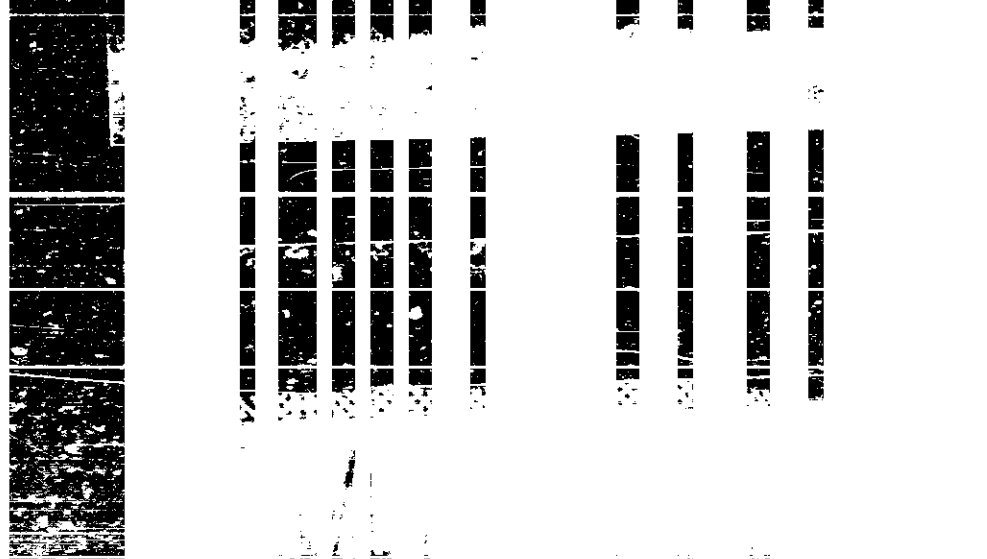
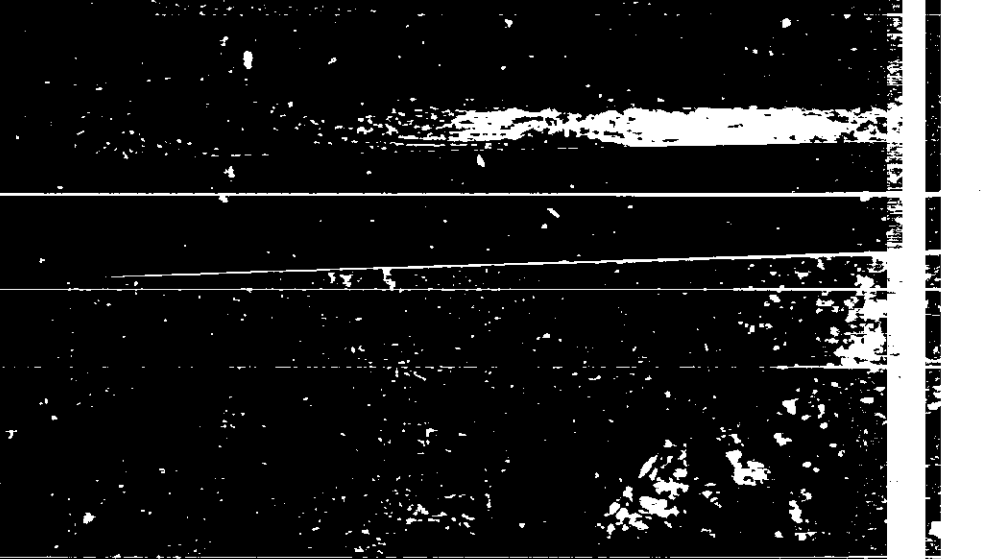
reviewed by: ITEM #: CASE#:

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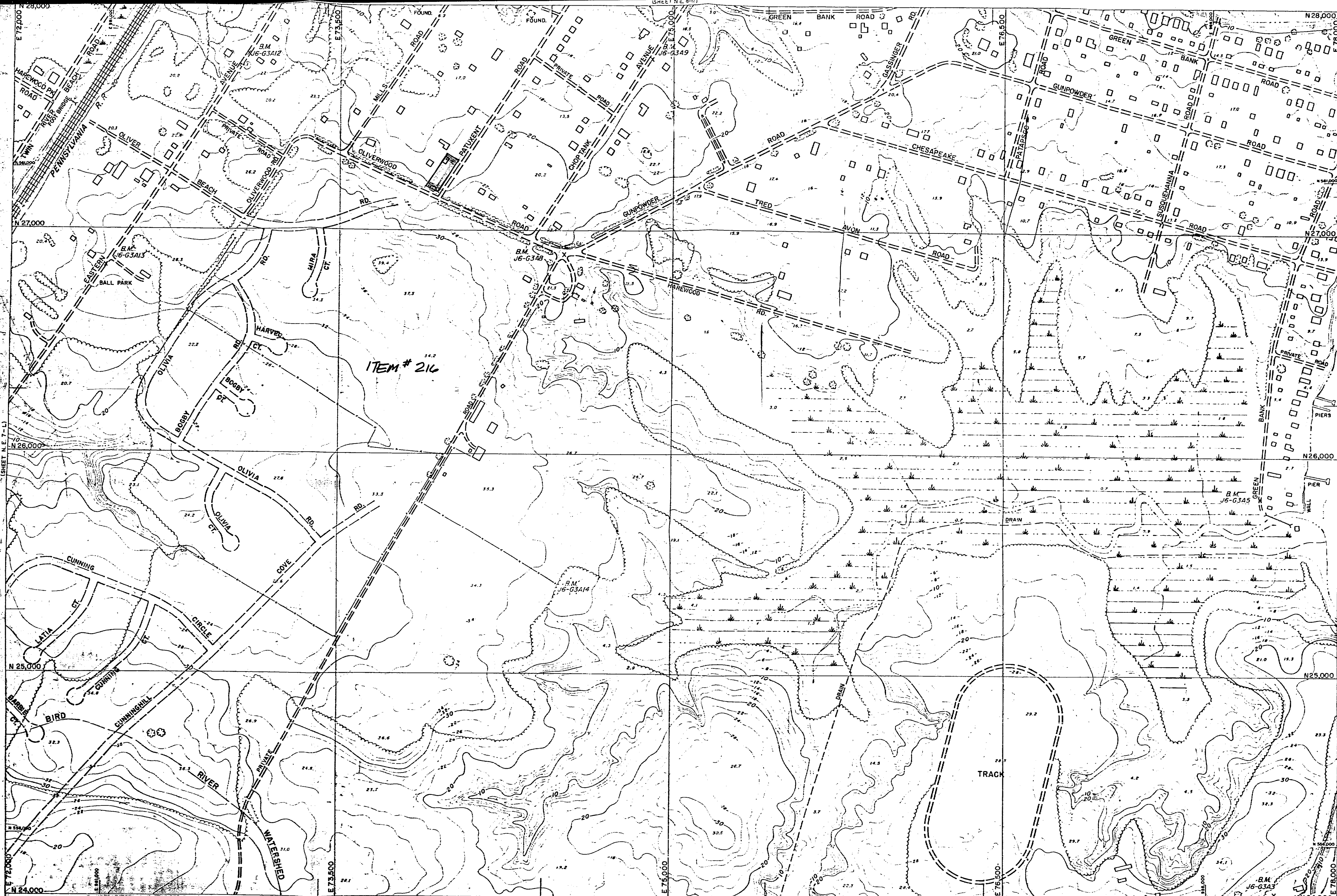
26



photograph  
Case 96-217-A







PHOTOGRAMMETRIC MAP OF  
BALTIMORE COUNTY METROPOLITAN AREA

| REVISIONS |        | SCALE  | LOCATION     | SHEET |
|-----------|--------|--|--------------|-------|
| BY        | DATE   |  |              |       |
| EM        | 9-1-81 | 1" = 200'  | HAREWOOD     | N E   |
|           |        | DATE OF PHOTOGRAPHY<br>DEC. 1954   | OLIVER BEACH | 7-M   |
|           |        | Topography Compiled By Photogrammetric Methods<br>ABRAMS AERIAL SURVEY CORP. LANSING MICH. | ITEM # 216   |       |

96-217-A

MICROFILM

58

8.5"

11"

17"

22"